UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

BRIAN MESZAROS

v.

:

Plaintiff(s), : MDL No. 2419

Master Docket No. 1:13-md-2419-FDS CASE NO. 2:13-cv-12655-GAD-LJM

Honorable F. Dennis Saylor

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:

UNIFIRST CORPORATION, A/D/B/A UNICLEAN CLEANROOM SERVICES,

:

Defendants. :

AMENDED SHORT FORM COMPLAINT AGAINST UNIFIRST CORPORATION, D/B/A UNICLEAN CLEANROOM SERVICES

Now Come Plaintiff(s), BRIAN MESZAROS , complaining against the Defendants, allege(s) as follows:

FIRST COUNT

- 1. Pursuant to MDL Order No. 7, entered in In Re: New England Compounding Pharmacy, Inc. Products liability Litigation, Master Docket No. 1:13-md-2419-FDS, the undersigned counsel hereby submit this Short Form Complaint and Jury Demand against the Defendants, and adopt and incorporate by reference the allegations in the Plaintiffs' Master Complaint, with attachments, and any and all amendments thereto. Plaintiff also adopts and incorporates by reference all allegations and claims raised in the complaint filed in Adair, et. al v. Ameridose, LLC, et. al, Case no. 2:13-cv-12655-GAD-LJM
 - 2. Plaintiff is a resident of the State of Michigan.

3	3.	Plainti	ff brings this action	on:				
X On b	oehalf	of herse	elf/himself.					
			tive of		, who is a l	iving person.		
As t	the Per	sonal I	Representative of	the Estate				
of			(hereinafter	"Decedent"), w	ho died on			<u></u> ·
	4	A 1 11.	11		• .1			
Δ	1.	Addıtı	onally,		, is the:			
	use							
of			, is/are a re	esident(s) of the	e State of	Michigan, a	and is hereby	
named a	ıs an ac	dition	al plaintiff(s), and	claims damage	s.			
5	5.	Plair	ntiff asserts that t	the Plaintiff was	s administe	ered New En	igland Compo	ounding
Pharmac	ey, In	c. ("N	ECC") drug M	PA (hereinafter	r referred	to as "NE	CC drug"),	causing
injuries	and da	mages.						
6	б. Т	The a	aforesaid ad	ministration of	the	NECC drug	g occurred	
09/25/12	on a	at Mich	nigan Pain Specia	alists by Dr. Wa	ashabaugh/	Chatas/Bojra	b/Shalhoub lo	ocated
in Michi	igan Pa	in Spe	cialists in Brighto	on, Michigan.				
7	7. F	Plaintif	E(s) adopt(s) and	incorporate(s)	by refere	nce the foll	owing Cause	s of
Action a	isserte	d again	st the Defendants	in the Master C	complaint:			
		X	COUNT II: NEO UniFirst)	GLIGENCE AN	D GROSS	NEGLIGEN	ICE (Against	
			COUNT III: NE Clinic Related D		MD GROS	S NEGLIGE	NCE (Agains	t
			COUNT IV: VIO			ER PROTEC	TION STATU	JTES
			Plaintiff(s) alleg statute(s):	e violation of th	e following	g consumer p	protection	
		X	COUNT VI: VI	OLATION OF N	M.G.L. C. 9	93A (Against	t UniFirst)	

	COUNT VII: BATTERY (Against Clinic Related Defendants)
	COUNT VIII: FAILURE TO WARN (Against Clinic Related Defendants)
	COUNT IX: TENNESEE PRODUCT LIABILITY CLAIMS (Against Tennessee Clinic Related Defendants)
	COUNT X: AGENCY (Against Clinic Related Defendants)
	COUNT XI: CIVIL CONSPIRACY (Against Clinic Related Defendants)
	COUNT XII: WRONGFUL DEATH PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)
	COUNT XIII: LOSS OF CONSORTIUM (Against UniFirst and Clinic Related Defendants)
X	COUNT XIV: PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)

11. Plaintiff BRIAN MESZAROS claims to have suffered the following injuries as

a result of the administration of NECC's drug (See Attached):

12. The additional designated plaintiff(s) has suffered/have suffered/will continue to

suffer the following: (See Attached).

WHEREFORE, Plaintiff(s) demand(s) Judgment against the Defendants awarding

compensatory damages in an amount in excess of \$75,000.00, punitive damages, attorneys' fees,

interest, costs of suit, and such further relief as the Court deems equitable and just.

Plaintiff(s) reserve the right to amend this Complaint to add allegations and claims

against individuals or entities currently omitted (in light of the Court's order permitting a Master

Complaint naming defendants affiliated with NECC and currently participating in mediation by

December 20) and to add or amend allegations against Defendants named herein based, in part,

on further discovery.

JURY DEMAND

Plaintiff(s) hereby demand(s) a trial by jury.

Respectfully Submitted,

PLAINTIFF(S),

By (Their) Attorneys,

LIPTON LAW

/S/ Marc Lipton

MARC LIPTON (P43877)

Attorney for Plaintiffs 18930 W. 10 Mile Road Southfield, Michigan 48075

(248) 557-1688

marc@liptonlaw.com

Date: December 20, 2013

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Plaintiff Brian Meszaros claims to have suffered the following:

- i. Infected bursitis and myositis
- ii. Other reactions related to anti-fungal medication

Plaintiff was prescribed treatment for said diseases and illnesses, including but not limited to:

- i. The administration of anti-fungal medications, both oral and IV
- ii. Left shoulder arthroscopy with tissue biopsy and debridement
- iii. Ongoing medical surveillance

Plaintiff, Brian Meszaros has and will as a direct and proximate result of the steroid's contamination, suffered and will continue to suffer the above described personal injuries, in addition to pain, suffering, mental anguish, fright, shock, denial of social pleasures and enjoyments, embarrassment, humiliation and mortification, emotional distress, and further has incurred and will continue to incur medical and other expenses as a direct result of being exposed to NECC's defective and contaminated steroid. Further, Plaintiff has suffered and will continue to suffer a loss of earning capacity.

CERTIFICATE OF SERVICE

I, TANIA M. SALLING, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

/S/ Tania M. Salling
Tania M. Salling

Date: December 20, 2013